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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,453	09/08/2003	Elena Mate	1458-0200620	9810
34456 7590 03/18/2010 LARSON NEWMAN & ABEL, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730				
EXAMINER				
WENDMAGEGN, GIRMSEW				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/657,453

**Applicant(s)**

MATE ET AL.

**Examiner**

GIRUMSEW WENDMAGEGN

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 16, 17 and 19-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17, 19-22, 26-29, 31 and 43-46 is/are allowed.
- 6) ☒ Claim(s) 32-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/8/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see page9-12, filed 12/23/2009, with respect to claim1-13, 6-17, 19-22, 26-29,31,43-46 have been fully considered and are persuasive. The rejection of claim1-13, 6-17, 19-22, 26-29, 31, 43-46 has been withdrawn.

Applicant's arguments with respect to claim32-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim32, 35-42** is rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (Pub No US 2008/0184297).

Regarding claim32, Ellis et al (hereinafter Ellis) anticipates a method comprising: receiving a video stream, the video stream comprising a plurality of video frames (see paragraph 0205); editing the video stream based on a source of the video stream to produce an edited video stream (see paragraph 0238, " the interactive television

application may provide the user with the ability to edit the quality of a recording based on the program channel or program type"); and recording the edited video stream (see paragraph 0238); wherein the editing occurs substantially in the same time period as the receiving, and wherein the utilizing occurs substantially in the same time period as the editing wherein the editing is based on characteristics of the video stream (see paragraph 0238).

Regarding claim35, Ellis anticipates the method of Claim 32, wherein the utilizing comprises: displaying and storing the edited video stream (see paragraph 0295; fig.30).

Regarding claim36, Ellis anticipates the method of Claim 32, wherein the utilizing comprises: storing the edited video stream (see paragraph 0294-0295).

Regarding claim37, Ellis anticipates the method of Claim 32, wherein the utilizing comprises: displaying the edited video stream (paragraph 0295).

Regarding claim39, Ellis anticipates the method of Claim 32, wherein the editing comprises modifying the video stream based on selected editing options (see paragraph 0238).

Regarding claim40, Ellis anticipates the method of Claim 39, further comprising: determining the selected editing options based upon user input (see paragraph 0238).

Regarding claim41, Ellis anticipates the method of Claim 39, further comprising: determining the selected editing options based on a source of the video stream (see paragraph 0238).

Regarding claim42, Ellis anticipates the method of claim39, wherein the editing further comprises: determining a characteristic of the video stream; and selecting the selected editing options based on the characteristic (see Paragraph 0238, quality).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim33** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (Pub No US 2008/0184297) as applied to claim32,35-42 above, and further in view of Porter et al (Patent No US 6,337,947).

Regarding claim 33, see the teaching of Ellis above. Ellis does not teach the method of claim32, wherein the editing includes applying special effect to the video stream (see column2 line31-39). However Porter et al (hereinafter Porter) teaches editing includes applying special effect to the video stream (see column2 line31-39).

One of ordinary skill in the art at the time the invention was made would have been motivated to apply special effect as Porter because it would allow the system to censor the audio/video content to the user desired setting with out totally removing or blocking the undesired portion of the content (see Porter column2 line31-45).

**Claim34** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (Pub No US 2008/0184297) and Porter et al (Patent No US 6,337,947) as applied to claim32-33, 35-42 above, and further in view of Sarra (Patent No US 5,053,762)

Regarding claim34, see the teaching of Ellis and Porter above. Both do not teach the method of claim33, wherein the special effect includes one or more of removing a logo, implementing a page turning special effect. However Sarra teaches implementing a page turning effect (see column1 line16-33).

One of ordinary skill in the art at the time the invention was made would have been motivated to implement special effect such as page turning effect because it would give high visual appeal for the content.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

***Allowable Subject Matter***

Claim 1-13, 6-17, 19-22, 26-29, 31, 43-46 allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/JAMIE JO ATALA/  
Primary Examiner, Art Unit 2621

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